

REMARKS

Claim 1 has been amended. Claim 3 has been canceled. Thus, claims 1 and 4-6 are presented for examination. Support for the amendment to claim 1 may be found in original claim 3. Thus, this claim amendment does not add new matter. Reconsideration and withdrawal of the present rejections in view of the comments presented herein are respectfully requested.

Rejection under 35 U.S.C. 103(a)

Claims 1 and 3-6 were rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (U.S. 5,985,525) in view of Kanda (2003/0091732). The Examiner alleges that it would have been obvious to use methanol and/or ethanol for a reasonable expectation of obtaining the advantages of rapidly dissolving a surfactant in an aqueous solution and/or rapidly dispersing an organic material in a soft portion of a photopolymer layer on a developing photoresist layer. However, as explained below, this combination of references would not render the claimed invention obvious.

Establishing *prima facie* obviousness requires a showing that some combination of objective teachings in the art and/or knowledge available to one of skill in the art would have lead that individual to arrive at the claimed invention. *See In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Moreover, establishing *prima facie* obviousness requires not only a showing that such a combination of prior art teachings is possible, but also that the teachings would have 1) motivated the skilled artisan to make the combination to arrive at the claimed invention, and 2) suggested to the skilled artisan a reasonable likelihood of success in making and using the claimed invention. *See In re Dow Chem. Co.*, 837 F.2d 469, 473 (Fed. Cir.1988). Absent a showing of such motivation and suggestion, *prima facie* obviousness is not established. *See Fine*, 5 USPQ2d at 12598.

Claim 1 as amended recites that the developer composition comprises a halogen ion in an amount of 1,000 ppm or less. There is no suggestion in either Sato or Kanda to include this element in the claimed invention. In fact, Kanda teaches that “the surfactant used in the present invention is preferably freed of organic impurities, metal ions, chlorine ion and so on by means of distillation, salting out, recrystallization, ion exchange treatment, desalting by ultrafiltration, filtering treatment, and various adsorption treatments.” (Emphasis added) (See Kanda at page 3, column 1, [0026]). Because Kanda teaches that the presence of chlorine ion (which is a halogen)

in the surfactant is undesirable, this reference would provide no motivation to one of ordinary skill in the art to include chlorine, or any other halogen ion, in a surfactant used in a developer composition as recited in the present claims. For this same reason, one of ordinary skill in the art would not reasonably expect a reasonable likelihood of success in including halogen ions in the presently claimed composition. As such, no *prima facie* showing of obviousness can be established on the basis of the cited references.

Moreover, the inclusion of a halogen ion in the claimed developer composition provides significant unexpected advantages that would rebut a *prima facie* showing of obviousness even were such a showing present. The presence of halogen ion in the claimed developer composition advantageously and unexpectedly improves the dimensional controllability of the resulting resist pattern as described in the specification at page 6, lines 16-17. Although the specification states that this effect is achieved "by adjusting the content of the halogen ion," it is clear that compositions without halogen ion would not achieve this effect. Thus, the specification makes clear that the addition of halogen ion provides unexpected advantages that further evidence the nonobviousness of the claimed invention.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a).

CONCLUSION

Applicants submit that all claims are in condition for allowance. Should there be any questions concerning this application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

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